Remarks

Favorable consideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1, 11, and 76-81 are pending in the application. Claims 1, 2, 5, 6, 8, 11, 12, 15, and 18 have been rejected. Claims 1 and 11 have been amended, claims 2, 5, 6, 8, 12, 15, and 18 have been cancelled, and new claims 76-81 have been added. No new matter has been added, and support for the amended and added claims can be found at least on pages 12 and 14 of the present specification.

Rejection Under 35 USC §112, Second Paragraph

Claims 1, 2, 5, 6, 8, 11, 12, 15, and 18 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner posits that the metes and bounds of the term "CREAP" cannot be determined, and that the term "inhibit" is not adequately provided for. In both instances, Applicants respectfully disagree.

"CREAP" is referred to throughout the specification as representing "CRE (Cyclic AMP Response Element)-activating proteins," beginning at the bottom of page 2. Among the properties of the CREAP proteins are the ability to activate CRE-dependent transcription and induce CRE-associated chemokines. Sequences are given on at least page 6 for representative examples of CREAP proteins, such as CREAP2 and CREAP3 (whose amino acid sequences are SEQ ID NOS:16 and 25, respectively). Furthermore, CREAP1 is described on at least page 2 as a known protein, KIAA0616, whose CRE-activating function is discovered for the first time by the present inventors. Applicants go so far as to provide the Genbank accession numbers for the CREAP proteins on at least page 13 of the present specification.

In an effort to facilitate examination of the present claim set, but not as an acquiescence to the present rejection, Applicants have included specific sequence identifiers in new claims 76 and 79, support for which may be found at least on page 6.

The aspects of the Examiner's rejection that pertain to the term "inhibit(s)" in claims 6, 8, and 18 are obviated by Applicants' cancellation of said claims.

Rejection Under 35 USC §112, First Paragraph- Written Description

Claims 1, 2, 5, 6, 8, 11, 12, 15, 16, and 18 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. According to the Examiner, the "claims(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." As Applicants have

cancelled claims 2, 5, 6, 8, 12, 15, 16, and 18, the rejection with respect to those claims is obviated. Applicants respectfully disagree with the rejection as it pertains to remaining claims 1 and 11 for a number of reasons.

Applicants have reduced the plenary set of "CREAP modulators" in the present claims to agents which are capable of enhancing the expression and/or activity of CREAP1 protein, support for which can be found at least on page 3 of the present specification. This enhancing or agonizing activity as possessed by the CREAP modulators of the currently claimed invention is necessary for the treatment of Huntington Disease, as described at least at the top of page 3 of the present specification ("… as loss of CREB function has been associated with deficits in learning and neurodegeneration, agonists of CREAP proteins may be useful to prevent, treat, or ameliorate neurodegenerative conditions such as… Huntington diseases"). By thus reducing the scope of "CREAP modulators," the required written description support is commensurately reduced (and provided herein).

Furthermore, as stated by the Examiner at the bottom of page 4 of the Office Action, factors to be considered for determining the adequate provision of written description support include functional characteristics. Said functional characteristics of agonizing peptide mimetics of CREAP proteins are known, as they are the same functions as possessed by normally (i.e., non-pathogenically) functional CREAP proteins. These include at least an ability to activate CRE-dependent gene expression or abnormal chemokine activation.

Applicants also take issue with Examiner's statement at the top of page 5 of the Office Action, that "There is not even the identification of any particular portion of a structure that must be conserved for CREAP modulatory activity." When discussing agonizing peptide mimetics of CREAP proteins, as at present, the regions of conservation of said mimetics *are the same regions of conservation as the CREAP proteins themselves*. Said regions of conservation are described at least at the bottom of page 23, and additionally, regions of importance within the molecules are experimentally determined by the creation and usage of deletion mutants (see, e.g., Example 5, for CREAP1).

Rejection Under 35 USC §112, First Paragraph- Enablement

Claims 1, 2, 5, 6, 8, 11, 12, 15, 16, and 18 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply the enablement requirement. The claims allegedly contain subject matter which was not described in the specification in such a way as to enable one skilled in the relevant art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As Applicants have cancelled claims 2, 5, 6, 8, 12, 15, 16, and 18, the rejection with respect to those claims is obviated. Applicants respectfully disagree with the rejection as it pertains to remaining claims 1 and 11 for a number of reasons.

Applicants posit that the claim cancellations and amendments made, and arguments drafted, in response to the written description portion of the Office Action are sufficient to overcome the enablement rejection as well. Applicants are aware of the differences between written description and enablement rejections, yet also recognize that amendments of the type made to the present claims limit claim scope in such a way as to require less §112, ¶1-type support present in the specification. Applicants believe in view of their claim amendments they have provided more than sufficient support in the present specification to meet both the §112, ¶1 written description and enablement requirements.

By way of non-limiting example, the present claims no longer include any *inhibitors* of CREAP1 protein activity within the scope of "CREAP protein modulators" of the present methods claims. The presently claimed methods employ agents that enhance, or agonize, CREAP1 protein activity and/or expression. Therefore, the required enablement for "CREAP protein modulators" has been significantly reduced from that rejected by the Examiner in at least paragraph 14 (page 7) of the present Office Action.

Furthermore, as agonists of CREAP1 proteins, the presently claimed "CREAP protein modulators" need merely to demonstrate the same properties of CREAP1 in order to have therapeutic efficacy for the prevention, treatment, and/or amelioration of Huntington Disease. As explained on at least the top of page 3 of the present specification, "… as loss of CREB function has been associated with deficits in learning and neurodegeneration, agonists of CREAP proteins may be useful to prevent, treat, or ameliorate neurodegenerative conditions such as… Huntington diseases." Thus what is described about the activity, function, regions of conservation, etc. of the CREAP proteins (e.g., CREAP1) in great detail in the present specification, and what is known to ordinarily skilled persons in the art about the related CRE (cyclic-AMP response element) family in general, is more than sufficient to ascribe activity, function, regions of conservation, etc. to agonizing modulators of CREAP1 proteins.

For these and other reasons, Applicants have provided a sufficient level of enablement support, thereby obviating the present rejection.

Applicants respectfully request entry of the amendments to the claims and the specification and submit no new matter is added thereby. Should the Examiner have any questions, please contact the undersigned attorney.

This response is made with three months' extension. However, if it is deemed that additional fees are required, the Commissioner is authorized to charge Deposit Account No. 504409 in the name of Novartis for any fees due.

In view of the above, an early Notice of Allowance is respectfully requested.

Respectfully submitted,

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